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## BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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INTELLECTUAL PROPERTY LAW 12400 WILSHIRB BOULLVARD, 7TH FLOOR LOS ANGELES, CA 90025 FACSIMILE: (714) 557-3347

### FACSIMILE COVER SHEET

Deliver to: David R. Lazaro, USPTO	Art Group:2155				
Facsimile No.: (571) 273-8300	Date: November 22, 2005				
• • •	39,018				
Our Docket No.: 3239P100	Number of pages13including this sheet.				
Application No.: 10/034,171	Filing Date: 12/27/2001				
Enclosed are the following documents:	Docket Due Date(s): 11/25/2005				
Amendment:Response (_9_pgs)	☐ Issue Fee Transmittal				
☑ Amendment: <u>Response</u> ( <u>9</u> pgs) ☐ Appeal Brief ( <u>pgs</u> )	☐ Notice of Appeal				
Application:	Petition for:				
(pgs) w/cover & abstract)	☐ Request for Continued Examination (RCE)				
Assignment & Cover Sheet (pgs)	Repty Brief (pgs)				
☑ Certificate of Facsimile	Request & Certification Under 35 USC 122(b)(2)(B)(i)				
☐ Continued Prosecution Application (CPA)	☐ Request to Rescind Previous Nonpublication Request				
☐ Declaration & POA (pgs)	Response to Notice of Missing Parts & Formalities Letter				
☐ Drawings:sheets, figures	Response to Written Opinion (pgs)				
Extension of Time:	☐ Terminal Disclaimer				
☑ Fee Transmittal (in duplicate)	☐ Transmittal of Publication Fee Due				
☐ IDS & PTO/SB/08 (pgs)	▼ Transmittel Letter				
Other					
	LING/TRANSMISSION (37 CFR 1.8A)				
I hereby certify that this correspondence is being transmarted and Trademark Office.	nitted by facsimile on the date shown below to the United States				

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Date

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Susan McFarlane

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TRANSMITTAL FORM (to be used for all correspondence after initial fitting)		Application No.	10/034,171			
		Filing Date	December 27, 2001			
		First Named Inventor	Peter A. Tenercillo			
		Art Unit	2155			
		Examiner Name	David R. Lazaro			
Total Number of Pages In This Submission 12		Attorney Docket Number	3239P	100		
ENCL	SURES (chec	k all that apply)				
Fee Transmittal Form	Drawing(a)	Drawing(s)		After Allowance Communication o Group		
Fee Attached	Ucensling-	Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences		
Amendment / Response	Petition	Petition		oppeat Communication to Group Appeal Notice, Brief, Raply Brief)		
After Final Affidavits/declaration(s)  Petition to C Provisional		Convert a Application		Proprietary Information		
Extension of Time Request		attorney, Revocation Correspondence Address		Status Letter		
Express Abandonment Request		Disclaimer		Other Enclosure(6) please Identify below):		
Information Disclosure Statement Request for		or Refund				
☐ PTO/SB/08 ☐ CD, Number		er of CD(s)				
Certified Copy of Priority Document(s)						
Response to Missing Parts/ Incomplete Application Remarks			<u>t</u>			
Basic Filing Fee						
Declaration/POA						
Response to Missing Parts under 37 CFR 1.52 or 1.53						
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT						
Firm William W. Schaal, Reg. No. 39,018						
Individual name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP						
Signature						
Date November 22, 2005						
CERTIFICATE OF MAILING/TRANSMISSION						
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.						
Typed or printed name Susan McFarlage						
Signature	n Mon	rle	Date	November 22, 2005		

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TO:USPTO

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THE TOTAL OF STATE	Complete If Known							
FEE TRANSMITTAL	Application Number 10/034,171							
for FY 2005	Filing Date	December 27, 2001						
Patent leas one subject to annual routsion.	First Named Inventor	Peter A. Tenereillo	~					
Applicant claims small entity status. See 37 CFR 1.27.	Examiner Name	David R. Lazaro						
	Art Unit	2155						
TOTAL AMOUNT OF PAYMENT (\$) 0.00	Attorney Docket No.	1_3239P100						
			•					
METHOD OF PAYMENT (check all that apply)	0.0 - 4.1 11 12.							
Clock Determinant Design	Other (please identify)		A. C. A. T. D.					
Deposit Account Deposit Account Number: 02-2666 I	Ocposit Account Name	e: Blakely, Sokoloff, Taylo	or & Zaiman I, LP					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  Charge fee(s) indicated below  Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.								
FEE CALCULATION								
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1. EXTRA CLAIM FEES Euro Fee 9000 Chims batar Fee Paid								
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Multiple Dependent								
Large Entity   Small Entity								
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1052 50 2052 25 Surcharge - late provisional liling lies or cover she	et.							
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1255 2,160 2255 1,060 Extension for reply within fifth month		<b>  </b>						
1402 500 2402 250 Filing a brief in support of an appeal								
1403 1,000 2405 500 Request for oral hearing 1451 1,510 2451 1,510 Patrion to institute a public use proceeding								
1460 130 2480 130 Petitions to the Correlationer								
1807 50 1807 50 Processing fee under 37 CFR 1.17(q) 1808 180 180 Submitsskin of Information Disclosure Strat								
1809 790 1809 395 Fitting a submission after finish rejection (S7 CFR § 1.129(8))								
1810 790 2810 396 For each additional invention to be examined (37 CFR § 1.128(b))  Other fee (specify)								
SUBTOTAL (2)								
SUBMITTED BY Complete (if applicable)								
SUBMITTED BY	Registration No.							
Name (Print/Type) William W. Schzal	(Allomey/Agent)	9,018 Telephone	(714) 557-3800					
Signature / Will		Date	11/22/05					
Grand on DTO/SRAT (12.04) of months by Blakeby Scholoff Taylor & Zatman (WO) 12/15/200	4.							
END TO: Commissioner for Paperts, P.O. Box 1450, Alexandria, VA 22313-1450								

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FEE TO ANOMITTAL	Complete if Known						
FEE TRANSMITTAL	Application Number	10/034,171					
for FY 2005	Filing Date	December 27, 2001					
Patent fees are subject to annual revision.	First Named Inventor	Peter A. Tenereillo					
Applicant claims small entity status. See 37 CFR 1.27.	Examiner Name	David R. Lazaro					
	Art Unit	2155					
TOTAL AMOUNT OF PAYMENT (\$) 0.00	Attorney Docket No.	3239P100					
METHOD OF PAYMENT (check all that apply)							
	Oshan (mlanga identifis):						
Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): ☐ Deposit Account Deposit Account Number: 02-2666 ☐ Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP							
For the above-identified deposit account, the Director is	hereby authorized to: (c	heck all that apply)					
Charge fec(s) indicated below	Charge fcc(s)	indicated below, except	for the filing fee				
Charge any additional fee(s) or underpayment of fee	(s) 🔀 Credit any ov	erpayments					
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.		•					
FEE CALCULATION							
1. EXTRA CLAIM FEES Server Stanford							
1. EXTRA CLAIM FCCS Bains Restruct Fee Palci							
Total Claims 20 20 0 x 50.00 50.00							
Independent 3 3 1 0 x 200.00 50.00							
Multiple Dependent							
Large Entity Small Entity							
Rea Fon Fee Fee Fee <u>Fee Description</u> Code (1) Code (5)							
1202 50 2202 25 Claims in excess of 20							
1201 200 2201 100 Independent claims in excess of 3 1203 360 2203 100 Multiple Dependent claim, if not paid							
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2. ADDITIONAL FEES							
Large Entity Small Entity							
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1052 50 2052 26 Surcharge - Iste provisional filing foe or cover alte	eL .						
2063 130 2053 130 Non-English specification 1261 120 2251 60 Extension for reply within first month							
1262 450 2252 225 Extension for reply within second month 1263 1,020 2253 610 Extension for reply within third month							
1254 1,590 2254 705 Extension for reply within fourth month							
1253 2,160 2255 1,080 Extension for reply within fifth month 1401 500 2401 250 Notice of Appeal		<del></del>					
1402 500 2402 250 Fishing a brief in support of en appeal							
1403 1,000 2403 500 Request for oral hearing 1451 1,610 2451 1,610 Petition to institute a public use proceeding							
1460 130 2460 130 Pelitions to the Commissioner							
1806 180 1806 180 Submission of Information Disclosure Strict							
1809 790 1809 395 Füng a automisation efter finel rejection (37 CFR §		<b>  </b>					
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SUBTOTAL (2)		(\$)					
SUBMITTED BY	- Beelstenting No. 1	Comp	lete (if applicable)				
Name (Pant/Type) William W. Schaaf	Registration No. (Attorney/Agent) 39	,018 Telephone	(714) 557-3800				
Signature		Date	11/22/05				
Based on PTO/SB/17 (12-94) as modified by Gobbery, Scholdti, Taylor & Zatinen (wh) 12/15/200 SENO TO: Commissioner for Palenta, P.O. Box 1450, Alexandria, VA 22313-1450	<b>16</b> .						

P.5/13

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NOV 2 2 2005

Appl. No. 10/034,171 Amdt. Dated 11/22/05 Reply to Office Action of August 25, 2005

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application, No. :

10/034,171

Confirmation No. 1793

Applicant

Peter A. Tenereillo December 27, 2001

Filed TC/A.U.

2155

Examiner

: David R. Lazaro

Docket No. :

003239,P100

Customer No. :

8791

Commissioner for Patents PO Box 1450 Alexandria VA 22313-1450

#### **AMENDMENT**

Sir:

In response to the Office Action of August 25, 2005, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims, which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.